

IN THE UNITED STATES DISTRICT COURT FOR THE

_____DISTRICT OF _____

_____)	
)	
v.)	Case No.
)	
_____)	
)	
Defendant.)	
_____)	

NOTICE

You are hereby notified that this [describe property] is being taken by the United States Government, which has a court judgment against you in Case Number _____, in the United States District Court for the _____ District of _____ in the amount of \$_____, plus interest [and penalties] accruing after _____.

In addition, you are hereby notified that there are exemptions under the law which may protect some of this property from being taken by the United States Government if [name of judgment debtor] can show that the exemptions apply. Below is a summary of the major exemptions which apply in most situations in the State of [specify name of State where debtor resides]:

Under 28 U.S.C. § 3014 you have the choice of electing to exempt certain types of income from the collection efforts of the United States. You may elect to exempt one of the following two types of property:

(1) the type of property specified in § 522(d) of the Bankruptcy Code¹ (11 U.S.C.), which generally provides exemptions for:

- \$17,425 in equity in a residence;
- \$2,775 in equity in a motor vehicle;
- \$1,150 in jewelry;
- \$9,300 in personal property;
- \$925 in any property, plus up to \$8,725 of any unused amount of the residential exemption provided above.

Additional exemptions or limited exemptions apply to such items as insurance contracts, pensions and various benefits such as Social Security;

OR

(2) any property that is exempt under any other Federal nonbankruptcy law, or State or local law that is applicable and any property in which you had, immediately prior to the filing of the application for [specify the remedy sought under the Federal Debt Collection Procedure Act], an interest as a tenant by entirety or joint tenant, or an interest in a community estate, to the extent such an interest is exempt from process under applicable nonbankruptcy law. Note that the law of the state where you have been domiciled for at least 180 days governs your rights. Under the laws of the State of [Kansas] the following exemptions may apply:²

TYPE

STATUTE SECTION

Homestead and
Residential
Property

-160 acres of farm
land or 1 acre
within the limits
of an incorporated
town or city or a
mobile home.

-Kan. Stat. Ann.
§ 60-2301

¹The exemptions under §522(d) are indexed to the CPI and adjusted every 3 years under §104 of the Bankruptcy Code. You should check to see that you are using the most current amounts, the amounts above were published in 2001.

² The list of specific exemptions pertains to the State of Kansas, and is provided here merely as an example. The trial attorney must specify the specific exemptions that are appropriate for the State where the debtor resides. That information should be readily available in the debt collection unit of each United States Attorney's office.

Personal Property	-Household goods, fuel, food and clothing is rea- sonably necessary at the debtor's principal residence for 1 year and \$1,000 in jewelry.	-Kan. Stat. Ann. § 60-2304
Public Assistance	-All exempt.	-Kan. Stat. Ann. §§ 39-717 and 60-2313(a)(2)
Trade Implements	-Up to \$7,500 is exempt.	-Kan. Stat. Ann. § 60-2304(e)
Unemployment Compensation	-Exempt as long as not commingled.	-Kan. Stat. Ann. §§ 44-718 and 60-2313(a)(3)
Wages	-Exempt, except for the lesser of, per week, 25% of the debtor's weekly disposable earnings or amounts by which such earnings exceed 30 times the federal minimum wage, whichever is less.	-Kan. Stat. Ann. § 60-2310
Workers' Compensation	-All Exempt.	-Kan. Stat. Ann. §§ 44-514 and 60-2313(a)(3)
Motor Vehicles	-One means of con- veyance, not to exceed \$20,000 in value, regularly used for transportation to and from work is exempt.	-Kan. Stat. Ann. § 60-2304(c)

Partnership Property	-A partner's interest in specific partner- ship property.	-Kan. Stat. Ann. §§ 56-325 and 60-2313(a)(5)
Pension, Retirement, Disability, Death or Other Benefits	-Benefits under vari- ous employee retire- ment systems are exempt.	-Kan. Stat. Ann. §§ 60-2308, 60-2313(a)(1) and provisions cited therein
Permit Franchise and License Interest	-Liquor licenses are exempt.	-Kan. Stat. Ann. §§ 41-326, -2629 -2714 and 60-2313 (a)(7)
Insurance	-Exempt (subject to exemptions).	-Kan. Stat. Ann. §§ 40-414 and 60-2313(a)(8)
Cemeteries and Burial Funds	-A burial plot or crypt, funeral plan prepayments and cemetery merchandise trust funds.	-Kan. Stat. Ann. §§ 16-320, 17- 1302, 60-2304(d), 61-328, 61-310, 60-2313(a)(10) and (11)
Crime Victims' Compensation Awards	-Exempt (with Exemptions.)	-Kan. Stat. Ann. §§ 74-7313 and 60-2313(a)(6)
Fraternal Benefit Society	-All exempt.	-Kan. Stat. Ann. §§ 40-748, 40-711, and 60-2313(a)(10)

If you are [name of judgment debtor], you have a right to ask the court to return your property if you think the property the Government is taking qualifies under one of the above

exemptions³ [or to explain to the court that you think you do not owe the money to the United States Government that it says you do.]

If you want a hearing, you must notify the court within 20 days after you receive this notice. You must make your request in writing, and either mail it or deliver it in person to the Clerk of the Court at [specify address of clerk of court]. If you wish, you may use this notice to request the hearing by checking the box below and mailing this notice to the court clerk. You must also send a copy of your request to the Government addressed to [name of trial attorney], United States Department of Justice, Tax Division, P.O. Box _____, Washington, D.C. 20044, so the Government will know you want a hearing. The hearing will take place within 5 days after the clerk receives your request, if you ask for it to take place that quickly, or as soon thereafter as possible.

At the hearing you may explain to the Judge why you believe the property the Government has taken is exempt⁴ [or why you think you do not owe the money to the Government.]⁵ [If you do not request a hearing within 20 days of receiving this notice, your [property] may be sold at public auction and the payment used toward the money you owe the Government.]

If you think you live outside the Federal judicial district in which the court is located, you may request, not later than 20 days after you receive this notice, that this proceeding to take your property be transferred by the court to the judicial district in which you reside. You must make

³ Add the bracketed text only in the case of a default judgment.

⁴ Add the bracketed text only in the case of a default judgment.

⁵ Add the bracketed text only in the case of a writ of execution.

your request in writing, and either mail it or deliver it in person to the clerk of the court at [specify address of clerk of court]. You must also send a copy of your request to the Government addressed to [name of trial attorney], United States Department of Justice, Tax Division, P.O. Box _____, Washington, D.C. 20044, so the Government will know you want the proceeding to be transferred.

Be sure to keep a copy of this notice for your own records. If you have any questions about your rights or about this procedure, you should contact a lawyer, an office of public legal assistance, or the clerk of the court. The clerk is not permitted to give legal advice, but can refer you to other sources of information.

[Seal of Court]

Dated: _____

Clerk, U.S. District Court

___ I hereby request a court hearing to decide the validity of my claims. Notice of the hearing should be given to me by mail at the address below. I [check one] ___do ___do not want the hearing to take place within five days after the clerk receives my request for a hearing.

Name: _____
Address: _____
Phone No.: _____

Debtor's printed
or typed name

Signature of Debtor

Date